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SUBJECT: JEHOVAH'S WITNESSES LOSE AGAIN, BUT PRESS ON

REF: 07 DUSHANBE 1531

11. (SBU) On February 12, Tajikistan's Supreme Military Court denied the Jehovah's Witnesses' appeal of the government's ban on their activities (reftel). The following day, the Ambassador met with Greg Olds and Mario Moreno, the group's U.S. lawyers who had flown in for the hearing.

12. (SBU) Olds said that he was not surprised by the court's verdict, despite the tenuous basis upon which the judge made his decision. He pointed out some of the contradictions in the court's reasoning, and the testimony of a government "experts" that the group is a "Zionist organization" because the word "Zion" often appears in the group's literature. The Witnesses will pursue a final appeal before the Supreme Military Court, but Olds does not expect a different outcome.

13. (SBU) Olds is unsure where this decision leaves the 600 Tajik Jehovah's Witnesses. A State Security official who testified at the hearing told him that "now you [the Jehovah's Witnesses] are really banned." The group will get an idea of the lengths to which law enforcement officials will go to implement the decision on April 9, when it holds its ceremony commemorating the death of Jesus.

14. (SBU) Olds will continue to follow the case through the judicial system, but he also is engaging as many Tajik officials as possible to try to soften their attitude toward the group. Olds and Moreno had a "very productive discussion" with the new Director of Religious Affairs, Mavludon Mukhtorov, and hope to meet with him again in March. The group will consider engaging Kazakhstan, which will assume the OSCE Chairmanship in 2010.

15. (SBU) Comment: Olds and Moreno understand that the judicial process is merely a cover for a decision made by the authorities long ago. They are pragmatically engaging the authorities in an attempt to show that there is nothing to fear from the Jehovah's Witnesses. It is unclear how Tajik officials plan to enforce the court's decision. As long as the group goes about its activities discreetly, we doubt there will be raids or arrests. We agree with Olds, however, that April 9 will be an important test of the government's attitude toward the group. End comment.

JACOBSON